

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

IN RE: STEPHEN A. GRIFFIN, DEBTOR

CASE NO. 2:02-bk-70245M
CHAPTER 7

BARBARA L. GRIFFIN

APPELLANT

v.

No. 06-15

RICHARD L. COX, TRUSTEE

DEFENDANT

ORDER

Currently before the Court is Appellant's Emergency Motion to Stay Proceedings (Doc. 1) and Appellee's Response (Doc. 2). Appellant moves this Court to stay proceedings in the United States Bankruptcy Court, Western District of Arkansas, Fort Smith Division pending the outcome of her appeal of certain orders entered by the Honorable James G. Mixon in the case of *In Re: Stephen A. Griffin, Debtor*, Case No. 02-70245M. (Doc. 1, Ex. O).

Rule 8005 of the Federal Rules of Bankruptcy Procedure provides, in part, that a motion for stay must be "made in the first instance in the bankruptcy court" , and a motion for stay made in the district court "shall show why the relief...was not obtained from the bankruptcy court." In her motion, Appellant states that the bankruptcy court denied the motion to stay on February 7, 200[6], but Appellant failed to provide any documentation to that effect. (Doc. 1, p. 15). Appellant has presented this very issue to the Court twice before in Case No. 06-0004. The Court denied Appellant the relief sought as the issue had not been properly presented to the Bankruptcy Court. The

Appellant again seeks the same relief and is advised that this Court will consider the imposition of sanctions if this same issue is presented again without first seeking relief in the Bankruptcy Court. Accordingly, Appellant's Emergency Motion to Stay Proceedings (Doc. 1) is DENIED.

IT IS SO ORDERED this 20th day of March 2006.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge